

LABORERS' HEALTH & SAFETY FUND OF NORTH AMERICA

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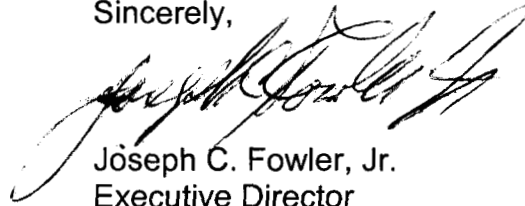
FHWA Docket No. FHWA- 2001-11130 - 24
Dockets Management Facility, Room PL-401
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Dear Sirs:

Enclosed are the Laborers' Health and Safety Fund of North America comments regarding improvements that can be made to the regulation of Traffic Safety in Highway and Street Work Zones to better address work zone mobility and safety concerns, as requested in the Federal Highway Administration's (FHWA) advance notice of rulemaking (ANPRM) docket number 2001-11130.

Thank you for the opportunity to comment on revisions to 23 CFR 630. Please feel free to contact Scott Schneider, our Director of Occupational Safety and Health, at 202/628-5465 should you have any additional questions.

Sincerely,



Joseph C. Fowler, Jr.
Executive Director

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LIUNA

Enclosed are the Laborers Health and Safety Fund of North America (LHSFNA) comments regarding improvements that can be made to the regulation of Traffic Safety in Highway and Street Work Zones to better address work zone mobility and safety concerns, as requested in the Federal Highway Administration's (FHWA) advance notice of rulemaking (ANPRM) docket number FHWA-2001-11130. LHSFNA has chosen to respond directly to question number 11 from the ANPRM and provide our general concerns on the proposed rule below.

1. (11). *The current regulation specifies the requirement for TCPs for work zones, but does not address the issues of sustained traffic management and operations, or traffic enforcement methods and partnerships. Should the scope of TCPs be expanded to include such considerations? What are the most relevant practices or technologies that should be considered in planning for traffic management, enforcement and operations? What are the most appropriate ways to facilitate the inclusion of such considerations in traffic control planning?*

The scope of TCPs should be expanded to require Internal Traffic Control Plans (ITCP). Highway construction workers have a work-related fatality rate that is higher than most other types of construction workers. Construction Laborers are at the highest risk for these injuries and fatalities. Historically, road construction fatalities have been viewed as traffic safety issues. As a result, the Agency's attention has been devoted to the development of intervention strategies to prevent errant motor vehicle intrusion into the construction work zone. Many injuries and fatalities continue to occur from these incidents and the Agency should continue to attempt to eliminate these incidents.

However, studies conducted by LIUNA have found that the majority of road construction injuries and fatalities are due to conditions and practices occurring within the actual work zone (Footnote). Generally, Laborers in highway construction are put at an increased risk of injury and fatality from internal events involving motor vehicle operation and pedestrian hazards (workers on foot). Inside the work zone, vehicles and heavy equipment such as the dump trucks pose a significant risk to workers. A high number of fatalities and injuries are caused by vehicle operation, specifically, vehicles such as the dump truck backing up and striking workers.

Reducing the injury and fatality rate in road construction will require addressing pedestrian worker and equipment operator issues. Making pedestrians more visible and aware of encroaching machinery is important in reducing pedestrian work zone accidents. In addition, reducing the need for vehicle backing within the work zone could reduce operator injuries and deaths. The LHSFNA believes that the Agency should require ITCP that addresses these issues to reduce worker risk of injuries and fatalities.

Internal Traffic Control Plans

ITCP aims to safely control the movement of workers, and the movement and operations of vehicles and equipment through the use of barriers, speed limits, safe driving practices, controls, and training.

Both vehicle and pedestrian movement through a work site should be carefully and rigidly enforced. Traffic lanes should be clearly marked with the direction of traffic flow indicated. Clearly delineated sidewalks or footpaths should guide pedestrian movement. Where pedestrians are especially vulnerable to impact errant vehicles, all foot traffic should be protected by barrier systems such as “jersey” or “zipper” barriers. Pedestrian traffic should be minimized and strictly controlled.

Vehicles should not be operated at excessive speeds within the work zone, but rather at a safe speed. A safe speed is defined as the rate of travel that will permit stopping the vehicle, well within the range necessary to avoid an accident, and to make a turn without running the risk of overturning.

Vehicle and equipment operators should be required to practice the principles of defensive driving. The operators must insure that the vehicle is under control at all times and must be able to bring it to complete stop within a safe stopping distance.

Where possible the ITCP should arrange for drive-through operations to reduce the need for vehicles to back up. Access points to the work zone for vehicles and equipment should be restricted or limited. The ITCP should establish “no backing zones” and “pedestrian free zones.” Spotters should be used during backing operations and to direct vehicles within the workzone.

The ITCP should require training to workers and operators regarding established traffic control patterns in the work zone. Pedestrians must be trained to understand that the vehicle operator cannot see them. Likewise, operators must be trained to understand the possibility that a pedestrian is always in their blind area. Training should emphasize that traffic safety awareness and constant vigilance are key when working around traffic.

2. General comments

Statistic Collection – Any revisions to the work zone safety regulations needs to require better statistics be kept on worker injuries and fatalities. Currently it is difficult to distinguish worker fatalities from other pedestrians. Data needs to be collected on the occupation of the worker, time of day, road conditions, contributing factors and other elements to help us determine future actions for prevention. Also, the Agency needs to initiate a National Audit of Workzone Safety (NAWS) to establish a baseline of work zone safety practices (e.g., how good are the traffic control signs, etc.) and have it redone annually.

Road Closures - Federal Highway customer surveys have shown the public prefers to close a road (“get in and get out and stay out”) for a shorter period rather than travel through workzones. This is also the safer way to rebuild highways and reduces the amount of night work required. Revisions to the workzone safety rules should incorporate a preference for road closures where adequate alternative routes exist.

Better Communication with Public- Slowing traffic down around workzones is a major objective of the traffic control plan. This objective is undermined by poor communication. When traffic control signs are left up when no work is being done, the public becomes frustrated and stops believing them (the “cry wolf” syndrome). A requirement for taking down or covering up traffic control signs when work is not in progress would add credibility to the system and go a long way towards reducing speeding through workzones.

Backup Collision Avoidance Systems- There are numerous devices now available to help prevent collisions with pedestrians when construction vehicles are backing up. There are radar systems NIOSH has tested on mining vehicles and several different video systems that can give a driver a clear view of what is behind them. They are used reliably in many other fleets (FedEx, UPS, Rental Car vans) and the cost is now down around \$100- \$200 per vehicle. Such systems should be mandatory on all vehicles operating in a highway workzone.

Night Work- Night work has been growing and along with it there is an increase in danger to highway workers. More specifications are needed in the Federal Highway workzone regulations regarding night work, such as improved lighting, hours of work, etc.

Training- There is a national trend towards requiring a minimum of 10 hours of safety training for anyone working in construction. Federal highway should establish a minimum requirement of 10 hours of quality safety training for everyone who works in highway workzones, specific to hazards presented on these sites. The requirements should include specifications about the quality and coverage of the training as well. Orientation training on safety for new employees is also important since they tend to be at greatest risk of injury.

Bid Specifications- Inclusion of safety and health requirements in bid specifications provides all contractors with a level playing field and ensures that safety concerns are not an afterthought. Such specifications should include provisions for training, protective equipment, a written safety and health plan, joint safety and health committees, pre-job safety meetings and job safety analyses.

Prequalification of Contractors- Numerous contractors and agencies (like NASA) have successfully used prequalification to help ensure safety on their sites. Rather than accepting only the low bid on projects, many states are requiring “best value” contracting where past safety performance is factored into the award of contracts. Federal Highway should mandate a best value contracting system where safety performance is included as an important determining factor in awarding contracts. The result is normally safer jobsites and better quality on-time performance.